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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ EX.P. 88/2023

SH NARENDER NATH SETH AND ORS.Decree Holders
Through: Mr. S. C. Singhal, Advocate.

versus

MRS LATA SETH AND ORS.Judgement Debtors
Through: Mr. Tushar Bukkle & Mr. Aditya
Guptam, Advs. for JD-1 to 5.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **27.03.2026**

EX.APPL(OS) 420/2026

1. Application under Section 151 of CPC has been filed on behalf of Judgement Debtor No.2 for modification of shares as were decided vide Order dated 01.08.2022 passed by this Court.
2. It is submitted that Decree was passed in respect of the properties of the parties and all three were declared entitled for 1/3rd share each, in the Suit Properties.
3. During execution proceedings, parties entered into an MoU / Settlement dated 05.07.2025 before the Local Commissioner, wherein it was agreed that the parties would sell their property to Mr. Preehdeep Singh and Mr. Anandeep Singh for a sum of Rs.15,35,00,000/-. It was further decided that Mr. Narender Seth would get Rs.4,86,00,000/-; Mr. Sandeep Seth would get Rs.4,99,00,000/-; and Mr. Rajeev Seth would get Rs.5,39,00,000/-.
4. In terms of this Settlement, Judgment Debtor Nos.1 to 5 were to get



36% share; Judgment Debtor No.6 was to get 32% share; and Decree Holder shall also get 32% share. It is therefore, submitted that the Decree modified from 1/3rd share, to the aforesaid ratios.

Submissions heard and record perused.

5. Decree dated 01.08.2022 has been filed on merits, whereby the share of three claimants have been decided as 1/3rd each. During execution, while selling one property, parties may agree to less or more amounts, but that cannot be a factor to re-define their shares or modify Final Decree dated 01.08.2022.

6. Moreover, leaner counsel for Decree Holder submits that this was only an endeavour to sell the property, which has not even materialised. It cannot be a basis to re-define the shares of the parties, as there is no such agreement between the parties to modify the shares as decided vide Decree dated 01.08.2022.

7. There is no merit in this Application, which is hereby, **dismissed**.

NEENA BANSAL KRISHNA, J.

MARCH 27, 2026/R